

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 FREDERICK BANKS,

5 Plaintiff,

6 v.

7 CYNTHIA REED EDDY, *et al.*,

8 Defendants.

Case No. 2:16-cv-01152-APG-NJK

ORDER DISMISSING CASE

(ECF No. 15)

9
10 The procedural history of this case is set forth in Magistrate Judge Koppe's March 31,
11 2017 Order, so I will not repeat it here. ECF No. 17. In short, plaintiff Frederick Banks has had
12 several chances to correct the errors in both his application to proceed in forma pauperis and his
13 complaint. But Banks has failed to do so. In my last order, I pointed out that Banks's proposed
14 second amended complaint did not properly allege that this court is the proper venue to litigate
15 his claims. ECF No. 11 at 2. I granted Banks leave to amend to correct this pleading error if he
16 could. He has not done so.

17 Banks's third amended complaint fails to demonstrate that a substantial part of the events
18 giving rise to his claims occurred in this district. 28 U.S.C. § 1391(b). Banks makes only two
19 allegations related to this district: (1) defendants Pivnichny and Eddy "traveled to Las Vegas in
20 this District to spend monies they had received for their dirty work in the fix," and (2) "the then
21 director of the Central Intelligence Agency ('CIA') John Brennan and his agents at the CIA
22 started bombarding plaintiff with an (sic) wireless signal that originated in Las Vegas Nevada
23 sent via satellite with GPS tracking" ECF No. 15 at ¶¶ 5, 8. Moreover, none of the
24 defendants is a Nevada resident so venue cannot be based on 28 U.S.C. § 1391(b)(1).¹ ECF No.

25
26
27 ¹ Banks's proposed third amended complaint likewise fails to allege that any of the
28 defendants has sufficient minimum contacts with this district to justify the exercise of personal
jurisdiction over them.

1 15 at 1. Banks is in federal custody in Butner, North Carolina, but apparently has sought relief
2 for his allegations in the United States District Court for the Western District of Pennsylvania. *Id.*
3 at 4, ¶ 9. Venue may be proper there, but it is not proper in this district. I will dismiss this
4 lawsuit without prejudice to Banks asserting his claims in a proper venue. 28 U.S.C. § 1406(a).

5 IT IS THEREFORE ORDERED that Banks's motion to vacate (**ECF No. 15**) is
6 **DENIED**, and this case is dismissed without prejudice. The clerk of the court is directed to close
7 this file.

8 DATED this 8th day of August, 2017.

9
10 
11 _____
12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28